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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,458

10/23/2003

Andrew Rodney Ferlitsch

SLA1241

8033

7590  
Gerald W. Maliszewski  
P.O. Box 270829  
San Diego, CA 92198-2829

07/24/2008

EXAMINER

ROBINSON, MYLES D

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,458	<b>Applicant(s)</b> FERLITSCH, ANDREW RODNEY	
	<b>Examiner</b> Myles D. Robinson	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 13, 15 - 17 and 19 - 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 - 6, 11 and 30 is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 13 is/are rejected.
- 7) ☒ Claim(s) 12, 15 - 17, 19 - 29 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 3/31/2008, and has been entered and made of record. Currently, **claims 1 – 6, 8 – 13, 15 – 17 and 19 – 31** are pending.

### *Response to Arguments*

2. Applicant's arguments (*see Remarks 3/31/2008 [page 11, line 13 – page 12, line 19]*) with respect to **claims 15, 19, 23, 24 and 30** have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

### *Claim Objections*

3. The following quotation of 37 CFR 1.75(a) is the basis of the objection:

- (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

4. **Claims 12, 15 – 17, 19 – 29 and 31** are objected to under 37 CFR 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

**Claim 12** recites the limitation “a first scan job” in line 3 of the claim after the limitation “a first scan job” was claimed in line 8 of the parent claim 1. The applicant has failed to particularly point out and distinctly claim if the applicant is referring to **the same, instant** “first scan job” or **a unique and distinctly different** “first scan job” within the claim.

5. **Claim 15** recites the limitation “at least a partially processed first scan job” in line 11 of the claim after the limitation “at least a partially processed first scan job” was claimed in line 7 of the claim. The applicant has failed to particularly point out and distinctly claim if the applicant is referring to ***the same, instant*** “partially processed first scan job” or ***a unique and distinctly different*** “partially processed first scan job” within the claim. All claims dependent upon this claim suffer the same deficiency and, therefore, are objected to as well.

6. **Claim 27** recites the limitation “a SDL command” in line 4 of the claim after the limitation “a scan description language (SDL) command” was claimed in line 5 of the claim. The applicant has failed to particularly point out and distinctly claim if the applicant is referring to ***the same, instant*** “SDL command” or ***a unique and distinctly different*** “SDL command” within the claim.

7. **Claim 31** recites the limitation “a scanning device” in line 4 of the claim after the limitation “a scanning device” was claimed in line 2 of the claim. The applicant has failed to particularly point out and distinctly claim if the applicant is referring to ***the same, instant*** “scanning device” or ***a unique and distinctly different*** “scanning device” within the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 9, 10 and 13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 9** recites the limitation "the node scan subsystem" in line 4. There is insufficient antecedent basis for this limitation in the claim.

10. **Claim 13** recites the limitation "the scan job SDL command" in 4. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

11. **Claims 1 – 6, 8, 11 and 30** are allowed.

Referring to **claims 1 and 30**, the innovative limitation that distinguishes the Applicant's claim is partially performing the scan job at the scanning device in accordance with the SDL commands **and then subsequently** partially performing the same scan job at another node in accordance with those same SDL commands (see *Remarks 3/31/2008 [page 11, line 13 – page 12, line 19] and Office Action 6/27/2007 [pages 18 – 19]*).

12. **Claim 12** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. **Claims 9, 10 and 13** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ferlitsch** (U.S. Patent Application Publication No.2006/0109498) discloses a method for obtaining and linking scanned images (*see Abstract and Figs. 3 and 6*).

**Ferlitsch** (U.S. Patent No. 7,330,281) discloses a method for describing imaging tasks (e.g. scanning) across a distributed environment of imaging clients, servers and devices, wherein tasks include complex imaging operations as well as interchanging imaging data and operations (*see Abstract and Figs. 3 – 7*).

**Ferlitsch** (U.S. Patent Application Publication No. 2008/0079985) discloses a system for facilitating direct scanning to network destinations by clients (see *Abstract and Figs. 1 – 6*).

**Ferlitsch et al.** (U.S. Patent Application Publication No. 2008/0079286) disclose systems for remotely configuring a remote interface to an imaging device (see *Abstract and Figs. 1 – 10*).

**Kumpf et al.** (U.S. Patent No. 6,289,371) disclose a network scan server support method using a web browser (see *Abstract and Figs. 1 – 5 and 7*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myles D. Robinson whose telephone number is (571)272-5944. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Myles D. Robinson/  
Examiner, Art Unit 2625  
7/18/08

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625